



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,920	04/12/2001	Takakazu Tanaka	35.G2771	5232

5514 7590 07/16/2003

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

NOTE, JANIS L

ART UNIT	PAPER NUMBER
----------	--------------

1756

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,920

Applicant(s)

TANAKA et al

Examiner

J. DOTE

Group Art Unit

1756

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 6/5/03
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 21-32 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 21-32 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☒ All ☐ Some* ☐ None of the:

☒ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____.

☐ Copies of the certified copies of the priority documents have been received
in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No. (s) _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

1. A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Jun. 5, 2003, has been entered.

2. The examiner acknowledges the amendments to claims 21, 22, 24, 25, 29, and 30, filed in Paper No. 9 on May 2, 2003, which was entered on the filing of the RCE. Claims 21-32 are pending.

3. The objection to the specification under 35 U.S.C. 132, set forth in the office action mailed on Dec. 2, 2002, Paper No. 8, paragraph 3, has been withdrawn in response to the replacement paragraph beginning at page 8, line 15, of the specification, filed in Paper No. 9.

The objection to the specification set forth in Paper No. 8, paragraph 4, has been withdrawn in response to the replacement paragraph beginning at page 14, line 25, of the specification, filed in Paper No. 9.

The rejections of claims 21-32 under 35 U.S.C. 112, second paragraph, set forth in Paper No. 8, paragraph 6, have been

withdrawn in response to the amendments to claims 24, 25, 29, and 30, and applicants' comments in Paper No. 9. Applicants state that the term triphenyl amine compound recited in instant claims 21 and 28 is "an amine group bonded to three phenyl moieties. The amine nitrogen atoms in compounds (CT-6) and (CT-8) . . . are bonded to three phenyl moieties. One phenyl moiety is part of a fluorenyl group. A fluorenyl group is a type of fused phenyl moiety." Paper No. 9, page 11, lines 16-21.

The objections to claim 21 set forth in Paper No. 8, paragraph 6, has been withdrawn in response to the amendment to claim 21.

The rejections of claims 21-32 under 35 U.S.C. 103(a) over US 5,430,526 (Ohkubo) combined with US 6,242,648 B1 (Yamasaki), as set forth in Paper No. 8, paragraphs 11 and 12, have been withdrawn in response to the amendments to claims 21 and 22, deleting the arylamine compound of formula (CT-11). Neither reference teaches or suggests a photosensitive member comprising a charge transfer material represented by formulas (CT-1), (CT-3), (CT-5), (CT-6), (CT-8), or (CT-9), as recited in instant claims 21 and 22.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 21-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 21 and 22 are indefinite because they are missing a terminal period, ".". It is not clear whether the claims are complete.

6. The following terms are means-plus-function limitations covered by the 35 U.S.C. 112, sixth paragraph: "exposure means," "contact charging means," "developing means," and "transfer means" recited in instant claims 21 and 22. No structure for the terms are recited in the claims. The only definitions for the "exposure means," "developing means," and "transfer means" are provided by instant Fig. 1 and equivalents thereof. The instant specification defines "contact charging means" as a charge roller. See the instant specification at page 19, lines 16-18, and Fig. 1, reference sign 3, which discloses "a contact charging means using a charge roller."

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 21-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,430,526 (Ohkubo) combined with US 4,859,556 (Sasaki) and Diamond, Handbook of Imaging Materials, page 395.

Ohkubo discloses an electrophotographic image forming apparatus comprising all the components recited in instant claim 22, but for the particular photosensitive member. Fig. 1 and col. 2, line 56, to col. 3, line 56. Ohkubo also discloses a process cartridge which comprises all the components recited in instant claim 21, but for the particular photosensitive member. Fig. 2 and col. 3, line 65, to col. 4, line 8. Ohkubo discloses that the charging member is a contact charging roller as recited in the instant claims. An oscillating voltage is applied to the charging roller in the form of a DC-biased AC voltage. The peak-to-peak voltage of the oscillating voltage is not less than twice the absolute value of a "charge starting voltage" relative to the photosensitive member. Said oscillating voltage provides uniform charging. Ohkubo discloses that "uneven charging hardly occurs in a regular developer or a reverse development process." Col. 1, lines 36-42, col. 3, line 64, to col. 4, line 5, col. 4, lines 9-17.

Ohkubo does not disclose the use of the photosensitive member recited in the instant claims. However, Ohkubo does not limit the type of photosensitive member used. Col. 4, lines 29-35.

Sasaki discloses an electrophotographic photosensitive member comprising a conductive support comprising thereon a photosensitive layer comprising a charge generation material and the charge transfer triarylamine compound 220. See Table 4 at col. 54, and Table 8 at col. 107, example nos. 58 and 59. Compound 220 has the identical chemical formula as compound CT-9 recited in instant claim 21 and 22. Sasaki discloses that its photosensitive member has high photosensitivity and uniform spectral absorption in the visible region. The photosensitive member is comparatively inexpensive to make and "excellent in durability." Col. 2, lines 32-37. Sasaki does not limit the type of apparatus. Sasaki at col. 98, lines 41-50, discloses that "when copying is performed by use of the photoconductors according to the present invention, the surface of the photoconductor is charged uniformly in the dark to a predetermined polarity . . . exposed to a light source so that a latent electrostatic image is formed . . . the latent electrostatic image is developed with a developer to a visible image . . .".

Instant claims 21-32 are written in product-by-process format. These claims recite that the charge transfer triarylamine compound is obtained by reacting an amine compound with an aryl halide in the presence of the base (claims 23 and 28) and a catalyst comprising a palladium compound and a particular phosphine compound. Sasaki does not disclose that its triarylamine compound 220 is obtained by such a method. Sasaki, col. 48, lines 33-51; col. 48, line 66, to col. 49, line 1; and Table 4 at col. 53, example 35. Sasaki's triphenylamine compound 220 is obtained by reacting diethyl-1,1-diphenylmethylphosphonate with 4-N,N'-bis(4-methylphenyl)amino-benzaldehyde. However, as discussed above, Sakaski's triphenylamine compound 220 has the identical chemical formula as compound CT-9 recited in the instant claims. Furthermore, Sasaki's compound 220 is used for the same purpose as compound CT-9, namely to transport charge in an electrophotographic photosensitive member. Moreover, the instant specification discloses that when the charge transfer triarylamine compound is made by the method recited in the instant claims, the photosensitive member comprising the resulting charge transfer compound exhibits an "endurance stability." Instant specification, page 5, lines 14-16, page 5, line 23, to page 6, line 9, and Table 4, examples 1-10. For example, Table 4 reports that after 30,000 copying operations,

the photosensitive member in example 3 exhibited a variation in dark potential and light potential variation of -5 V and -15 V, respectively. As discussed supra, Sasaki also discloses that its electrophotographic photosensitive member comprising the charge transfer triarylamine compound 220 is "excellent in durability." Col. 2, line 33. Accordingly, it appears that Sasaki's triarylamine compound 220 is the same or substantially the same as the instantly recited triarylamine compound made by the method recited in the instant claims. The burden is on applicants to prove otherwise. In re Marosi, 218 USPQ 289 (Fed. Cir. 1983); In re Thorpe, 227 USPQ 964 (Fed. Cir. 1985); MPEP 2113.

Sasaki does not disclose that the conductive support of the photosensitive member can be a drum. Sasaki at col. 98, lines 15-20, discloses that the conductive support can be a metal plate or metal foil, e.g., made of aluminum, or a plastic film comprising an aluminum evaporated film. However, it is well-known in the art that the conductive support of a photoreceptor (i.e., photosensitive member) can be in the form of a flexible web or a metal cylinder. Diamond, Handbook of Imaging Materials, page 395.

It would have been obvious for a person having ordinary skill in the art, in view of the teachings of Sasaki and Diamond, to use Sasaki's photosensitive member comprising a metal cylinder as the conductive substrate as the photosensitive member in the

apparatus and process cartridge disclosed by Ohkubo, because that person would have had a reasonable expectation of successfully obtaining an electrophotographic apparatus and process cartridge having high photosensitivity and uniform spectral absorption in the visible region.

9. Claims 21-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkubo combined with US 5,098,809 (Kikuchi).

Ohkubo discloses an electrophotographic image forming apparatus comprising all the components recited in instant claim 22, but for the particular photosensitive member. Ohkubo also discloses a process cartridge which comprises all the components recited in instant claim 21, but for the particular photosensitive member. The discussion of Ohkubo in paragraph 8 above is incorporated herein by reference.

Ohkubo does not disclose the use of the photosensitive member recited in the instant claims. However, Ohkubo does not limit the type of photosensitive member used. Col. 4, lines 29-35.

Kikuchi discloses an electrophotographic photosensitive member comprising a conductive support having thereon a photosensitive layer comprising a charge generation material and the charge transfer triarylamine compound (19). Col. 6, lines 25-30; col. 16, lines 14-38; and Table 4, example 17.

Kikuchi's compound (19) has the identical chemical formula as compound CT-6 recited in instant claims 21 and 22. Kikuchi further discloses that the conductive support in the photosensitive member can be in the shape of a drum. Col. 8, lines 37-38. Kikuchi discloses that its photosensitive member has high sensitivity and is capable of stably retaining potential during repeated use. Col. 2, lines 21-24. Kikuchi also discloses that its photosensitive member can be used in an electrophotographic apparatus, and does not limit the type of apparatus. Col. 9, lines 62-68.

Instant claims 21-32 are written in product-by-process format. These claims recite that the charge transfer triarylamine compound is obtained by reacting an amine compound with an aryl halide in the presence of the base (claims 23 and 28) and a catalyst comprising a palladium compound and a particular phosphine compound. Kikuchi does not disclose that his triarylamine compound (19) is obtained by such a method. Kikuchi, col. 7, lines 29-42. However, as discussed above, Kikuchi's triphenylamine compound (19) has the identical chemical formula as compound CT-6 recited in the instant claims. Furthermore, Kikuchi's compound (19) is used for the same purpose as compound CT-6, namely to transport charge in an electrophotographic photosensitive member. Moreover, the instant specification discloses that when the charge transfer

triarylamine compound is made by the method recited in instant claim 1, the photosensitive member comprising the resulting charge transfer compound exhibits an endurance stability. The discussion of the instant specification in paragraph 8 above is incorporated herein by reference. As discussed above, Kikuchi also discloses that his electrophotographic photosensitive member comprising the charge transfer triarylamine compound (19) has excellent durability to the repetition of the image forming process. Col. 2, lines 20-24, and Table 4, example 19. Table 4 reports that after 10,000 successive image formation cycles, the variation in the dark potential and light potential were +8 V and -27 V, respectively. (From the results reported in Tables 1 and 4 in Kikuchi, it appears that the choice of charge generating material results in the variation in light potential. For example, the photosensitive members in example 1 in Table 1 and example 14 in Table 4 have the same composition, but for the charge generation layer. The charge generation layer in example 1 comprises a particular diazo pigment, while the layer in example 14 comprises a dibromoanthanthrone. After 10,000 successive image formation cycles, the variation in the dark potential and light potential for the photosensitive member in example 1 were +3V and -4 V, respectively, while the variations in potentials for the photosensitive member in example 14 were +6 V and -12 V, respectively.) Accordingly, it appears that

Kikuchi's triarylamine compound (19) is the same or substantially the same as the instantly recited triarylamine compound made by the method recited in instant claims 21-38. The burden is on applicants to prove otherwise. Marosi, supra; Thorpe, supra; MPEP 2113.

It would have been obvious for a person having ordinary skill in the art to use Kikuchi's photosensitive member as the photosensitive member in the apparatus and process cartridge disclosed by Ohkubo, because that person would have had a reasonable expectation of successfully obtaining an electrophotographic apparatus and process cartridge member has high sensitivity and is capable of stably retaining potential during repeated use.

10. Applicants' arguments filed in Paper No. 9 with respect to the rejections set forth in paragraphs 8 and 9 above have been fully considered but they are not persuasive.

Applicants assert the combined teachings of the prior art do not render the instantly claimed process cartridge and apparatus prima facie obvious because neither Sasaki's nor Kikuchi's triarylamine compound is obtained by the process steps recited in the instant claims and therefore the references fail to meet all the limitations recited in the instant claims. Applicants argue further that both Sasaki and Kikuchi only disclose corona

charging and that there is no reason to believe that "whatever success" their respective triarylamine compounds had in corona charging are transferable to a contact charging environment. Applicants also assert that there is no motivation to combine Ohkubo with either Sasaki and Kikuchi. Applicants assert that Sasaki and Kikuchi are non-analogous art to the current invention and Ohkubo because: they do not relate to contact charging; and Ohkubo is classified in a different class than Sasaki and Kikuchi.

Applicants' arguments are not persuasive for the following reasons:

1) Sasaki, Kikuchi, and Ohkubo are all directed to the same field of endeavor, the art of electrophotography. Each of Sasaki and Kikuchi discloses an electrophotographic photosensitive member for use in electrophotographic processes and apparatuses. Ohkubo's process cartridge and apparatus comprise an electrophotographic photosensitive member. Furthermore, although contact charging differs from corona charging, they are both utilized in an electrophotographic imaging process to provide the same result, namely to uniformly charge the electrophotographic photosensitive member to a predetermined polarity. Accordingly, Sasaki and Kikuchi are not non-analogous art to Ohkubo.

2) As discussed in the rejections in paragraphs 8 and 9 above, Ohkubo teaches an apparatus and process cartridge that comprises all the other components (including a contact charger)

recited in instant claims 21 and 22, but for the particular photosensitive member. Ohkubo does not limit the type of electrophotographic photosensitive member used in its apparatus. Neither Sasaki nor Kikuchi limits the type of electrophotographic apparatus used. Each of Sasaki and Kikuchi provides reason, motivation, and suggestion to a person having ordinary skill in the art to use its photosensitive member in the process cartridge or apparatus disclosed by Ohkubo. In particular, Sasaki discloses that its photosensitive member has high photosensitivity and uniform spectral absorption in the visible region, and is comparatively inexpensive to make and "excellent in durability." Kikuchi discloses that its photosensitive member has high sensitivity and is capable of stably retaining potential during repeated use.

3) Applicants have not provided any evidence to show that either Sasaki's or Kikuchi's electrophotographic photosensitive members would not provide electrostatic latent images when used as the photosensitive member in the process cartridge and apparatus disclosed by Ohkubo. Nor has applicants provided any evidence to show that the advantages of Sasaki's or Kikuchi's photosensitive members, for example, high photosensitivity, would not be achieved when used in Ohkubo's process cartridge and apparatus.

4) As discussed in the rejections, the triarylamine compounds recited in the instant claims are described in product-

by-process language. Sasaki's triphenylamine compound 220 and Kikuchi's compound (19) have identical chemical formulas as compounds CT-9 and CT-6 recited in instant claims 21 and 22, respectively. The prior art compounds are used for the same purpose as compounds CT-6 and CT-9, namely to transport charge in an electrophotographic photosensitive member. "[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." MPEP 2113 (8th edition, Rev. 1, Feb. 2003), citing In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Feb. Cir. 1985).

5) Furthermore, instant specification does not disclose that the triarylamine compounds made by the process recited in the instant claims exhibit "endurance stability" only upon exposure to contact charging. See the instant specification at page 19, lines 16-17, which discloses that "[w]hen the primary charging means 3 is a contact charge means using a charge roller, preexposure is not always necessary." Clearly, the specification does not limit the use of its triarylamine compounds to apparatuses comprising a contact charge means.

Thus, for the reasons set forth above and in the rejections, the combined teachings of Ohkubo and Sasaki or the combined teachings of Ohkubo and Kikuchi render obvious the process cartridge and apparatus recited in instant claims 21-32.

6) Moreover, the showing in the instant specification fails to show that Sasaki's or Kikuchi's triphenylamine compounds are not the same or substantially the same as the triphenylamine compounds made by the method recited in the instant claims for the following reasons:

First, the showing in the instant specification is not commensurate in scope with the instant claims. With respect to the rejection over Sasaki, the triphenylamine compound CT-9 is made by a preferred method which uses the preferred base, sodium tert-butoxide. See instant claims 27 and 32. With respect to the rejection over Kikuchi, the triphenylamine compound CT-6 is made by a preferred method which uses the preferred base, sodium tert-butoxide, and preferred phosphine compound, di-tert-butylphenylphosphine. See instant claims 25, 27, 30, and 32. Instant claims 21 and 22 recite that compounds CT-6 and CT-9 are synthesized from an amine compound and an aryl halide in the presence of a phosphine compound of formula (1) and a palladium compound. There is no objective evidence on the present record to show that triphenylamine compounds CT-6 and CT-9 obtained by the method recited broadly in instant claims 21 and 22 are

unobviously different from the triphenylamine compounds disclosed in the prior art.

Second, with respect to the rejection over Sasaki, the showing in the instant specification does not provide a probative comparison to Sasaki. As discussed in the rejection in paragraph 8 above, Sasaki's triphenylamine compound 220, which meets the chemical formula of compound CT-9 recited in instant claims 21 and 22, is obtained by reacting diethyl-1,1-diphenylmethylphosphonate with 4-N,N'-bis(4-methylphenyl)amino-benzaldehyde in the presence of sodium hydride. Comparative examples 9 and 19 do not synthesize CT-9 by the method disclosed by Sasaki. There is no objective evidence on the present record to show that Sasaki's compound 220 differs significantly from compound CT-9 made by the method recited in the instant claims.

Accordingly, the rejections over Sasaki or Kikuchi stand.

11. Claims 21-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkubo combined with US 5,723,671 (Goodbrand) and applicants' admission that "it is known that the variation of the rest potential is greatly affected by the impurities in the charge transfer material" at page 2, lines 23-25, of the instant specification.

Ohkubo discloses an electrophotographic image forming apparatus comprising all the components recited in instant

claim 22, but for the particular photosensitive member. Ohkubo also discloses a process cartridge which comprises all the components recited in instant claim 21, but for the particular photosensitive member. The discussion of Ohkubo in paragraph 8 above is incorporated herein by reference.

Ohkubo does not disclose the use of the photosensitive member recited in the instant claims. However, Ohkubo does not limit the type of photosensitive layer used in its photosensitive member. Col. 4, lines 29-35.

Goodbrand discloses a process for making the charge transport triarylamine compound, N,N-bis(3,4-dimethylphenyl)-4-biphenylamine. Example 1 at col. 10. The triarylamine has the identical chemical formula as compound CT-5 recited in instant claims 21 and 22. Goodbrand's triarylamine compound has a purity of 99.8 percent. Col. 10, line 48. Goodbrand teaches that its triarylamine compound may be incorporated in a photosensitive layer comprising a charge generation layer that comprises a charge generating material and a charge transport layer comprising Goodbrand's triarylamine compound. Col. 7, lines 41-65. Goodbrand discloses that prior art processes, such as the Ullmann condensation using non-ligand cuprous oxide catalysts, provide crude charge transport molecules of lower quality and purity than the charge transport molecules obtained by Goodbrand's process. Col. 2, lines 22-30. Goodbrand

discloses that its process makes the charge transport compound N,N-bis(3,4-dimethylphenyl)-4-biphenylamine in a "high state of purity enabling it to be readily further purified if needed to electronic grade purity" for use as charge transporting molecules in layered photoconductive imaging members. Col. 2, lines 30-35, and col. 3, lines 27-29. As admitted by applicants in the instant specification, "it is known that the variation of the rest potential [of the photosensitive member] is greatly affected by the impurities in the charge transfer material." See the instant specification, page 2, lines 23-25.

Instant claims 21-32 are written in product-by-process format. These claims recite that the charge transfer triphenylamine compound is obtained by reacting an amine compound with an aryl halide in the presence of the base (claims 23 and 28) and a catalyst comprising a palladium compound and a particular phosphine compound. Goodbrand does not make its triarylamine compound by such a method. However, as discussed supra, Goodbrand's triarylamine compound has the identical chemical formula as compound CT-5 recited in instant claims 21 and 22. Furthermore, Goodbrand's compound is used for the same purpose as compound CT-5, namely to transport charge in an electrophotographic photosensitive member. Accordingly, it appears that the triarylamine compound made by the method disclosed in Goodbrand's example 1 is the same or substantially

the same as the instantly recited triarylamine compound CT-5 made by the method using the particular phosphine compounds recited in the instant claims. The burden is on applicants to prove otherwise. Marosi, supra; Thorpe, supra; MPEP 2113.

It would have been obvious for a person having ordinary skill in the art to use the layered photosensitive layer disclosed by Goodbrand comprising Goodbrand's triarylamine as the charge transport material in the charge transport layer as the photosensitive layer on the conductive support in the apparatus and process cartridge disclosed by Ohkubo, because that person would have had a reasonable expectation of successfully obtaining an electrophotographic apparatus and process cartridge that are capable of being used in an electrophotographic process to provide image copies.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (703) 308-3625. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Huff, can be reached on (703) 308-2464. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9311 (Rightfax) for after final faxes, and (703) 872-9310 for other official faxes.

Any inquiry of papers not received regarding this communication or earlier communications should be directed to Supervisory Application Examiner Ms. Palestine Jenkins, whose telephone number is (703) 308-3521.

Application/Control Number: 09/832,920
Art Unit: 1756

Page 21

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

JLD
July 11, 2003

Janis L. Dote
JANIS L. DOTE
PRIMARY EXAMINER
GROUP 1520
F700